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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANCISCO VIDAL,

Plaintiff,

vs.

NEVADA BOARD OF PAROLE
COMMISSIONERS, *et al.*,

Defendants.

Case No. 2:19-cv-01368-GMN-VCF

ORDER

MOTION TO EXTEND TIME TO FILE
AMENDED COMPLAINT [ECF NO. 9]

10 Before the Court is *pro se* plaintiff Francisco Vidal's motion to extend time to amend. (ECF No.
11 9). On September 6, 2019, the Court granted Vidal's application to proceed *in forma pauperis*. (ECF No.
12 6). The Court dismissed plaintiff's complaint without prejudice. (*Id.* at 6). The Court found that each of
13 plaintiff's counts failed to state a claim. (*Id.* at 2-5). The Court also opined that plaintiff's challenge to
14 his parole revocation proceeding which led to his current confinement is a challenge to his "continuing
15 confinement" which can only be addressed by a *habeas corpus* petition. (*Id.* at 4, citing to *Butterfield v.*
16 *Bail*, 120 F.3d 1023, 1024 (9th Cir. 1997)). The Court gave plaintiff until October 7, 2019 to file an
17 amended complaint. (*Id.* at 6). On September 27, 2019 the plaintiff filed the instant motion,
18 informing the Court that he has filed a *habeas corpus* petition and seeking an extension of time to file
19 his amended complaint. (ECF No. 5). This is the first extension of time requested by plaintiff in the
20 above-captioned matter.
21

22 ACCORDINGLY,

23 IT IS ORDERED that plaintiff Francisco Vidal's motion to extend time to amend (ECF No. 9) is
24 GRANTED. Plaintiff shall have until **Thursday, November 7, 2019** to file his amended complaint.
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1 **NOTICE**

2 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
3 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
4 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
5 may determine that an appeal has been waived due to the failure to file objections within the specified
6 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
7 objections within the specified time and (2) failure to properly address and brief the objectionable issues
8 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
9 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
10 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

11 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of
12 any change of address. The notification must include proof of service upon each opposing party's
13 attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this
14 rule may result in dismissal of the action.

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16 IT IS SO ORDERED.

17 DATED this 8th day of October 2019.

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20 CAM FERENBACH
21 UNITED STATES MAGISTRATE JUDGE
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